

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP

3 Gannett Drive, White Plains, New York 10604-3407
Tel: (914) 323-7000 Fax: (914) 323-7001

*Albany • Baltimore • Boston • Chicago • Dallas • Garden City • Houston • Las Vegas • London • Los Angeles • McLean
Miami • Newark • New York • Philadelphia • San Diego • San Francisco • Stamford • Washington, DC • White Plains
Affiliates: Berlin • Cologne • Frankfurt • Munich • Paris*

www.wilsonelser.com

August 17, 2007

By First Class Mail

Hon. Charles L. Brieant
United States District Court
For the Southern District of New York
300 Quarropas Street
White Plains, NY 10604

Re: John Carello v. The City of New Rochelle, The New Rochelle Police Department, P.O. George Rosenbergen, and P.O. John/Jane Does, Docket No. 07 Civ. 2914 (CLB)(MDF)
Our File No.: 07367.00062

Dear Judge Brieant:

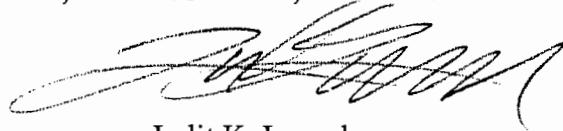
We represent the defendants in the referenced action. The scheduling order in this case was issued following the preliminary conference on July 20, 2007. Regarding the defense of qualified immunity, which defendant Rosenbergen is asserting, paragraph 3(d) of the scheduling order calls for the plaintiff's deposition to be taken within 30 days of the issuance of the order, *i.e.*, on or before August 20, 2007.

We notified plaintiff's counsel of this by letter dated July 23, 2007, and then served a notice of deposition to conduct the deposition on August 20. I have not heard back from plaintiff's counsel regarding the deposition and it appears both plaintiff and his attorney will be on vacation next week. We stand ready to take plaintiff's deposition on August 20, or as soon as plaintiff and his attorney are back from vacation and available.

Having taken the actions described above, we respectfully request that the deadline to take plaintiff's deposition under paragraph 3(d) of the scheduling order be adjourned thirty days, until September 20, 2007.

Respectfully submitted,

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP



Lalit K. Loomba

Hon. Charles L. Brieant

August 17, 2007

Page 2 of 2

Cc:

McKENNA McGOWAN LLP

111 Church Street

White Plains, NY 10601

(914) 686-0500

Attn: Matthew J. McGowan (MM-9198)